

STATE OF VERMONT

SUPERIOR COURT

CIVIL DIVISION

FRANKLIN UNIT

Docket No.

Frcv

STATE OF VERMONT, AGENCY OF )  
AGRICULTURE, FOOD and MARKETS, )  
and AGENCY OF NATURAL )  
RESOURCES, )  
Plaintiff, )

v. )

LEACH FARMS, INC., )  
Defendant. )

**STIPULATION FOR THE ENTRY OF CONSENT ORDER  
AND FINAL JUDGMENT ORDER**

The parties, Plaintiff, the State of Vermont, Agency of Agriculture, Food and Markets, and Agency of Natural Resources (the State), by and through Vermont Attorney General William H. Sorrell, and Leach Farms, Inc. (Defendant), hereby stipulate and agree as follows:

WHEREAS, the State alleges in the Pleadings by Agreement filed in this action that Defendant violated Vermont's environmental laws by discharging agricultural waste into waters of the State without a permit from the Secretary of the Agency of Natural Resources;

WHEREAS, the State further alleges in the Pleadings by Agreement filed in this action that Defendant also violated Vermont's Accepted Agricultural Practices (AAPs) by: (a) creating a direct discharge into the surface waters of the State from a discrete conveyance without a permit; and (b) failing to handle agricultural wastes so as to minimize adverse water quality impacts;

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109 State Street  
Montpelier, VT  
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WHEREAS, Defendant has admitted in the Pleadings by Agreement that it committed these violations of Vermont's environmental laws and Vermont's AAPs;

WHEREAS, the Attorney General pursuant to 3 V.S.A., Chapter 5 has the general supervision of matters and actions in favor of the State and may settle such matters as the interests of the State require;

WHEREAS, under 10 V.S.A. § 8221, Defendant is potentially liable for civil penalties of up to \$85,000.00 for each violation and \$42,500.00 per violation for each day the violation continued;

WHEREAS, the State considered the criteria in 10 V.S.A. §§ 8010(b) and (c) in arriving at the proposed penalty amount, including the degree of actual or potential impact on public health, safety, welfare and the environment resulting from the violations and that Defendant knew or had reason to know the violations existed;

WHEREAS, the Attorney General believes that this settlement is in the State's interest as it upholds the statutory regimes of 10 V.S.A., Chapter 47, and 6 V.S.A., Chapter 215, in which the violations occurred; and

WHEREAS, the Consent Order has been negotiated by and among the State and Defendant in good faith;

NOW, THEREFORE, the State and Defendant hereby stipulate and agree as follows:

1. The attached Consent Order may be entered by the Court;
2. The State and Defendant hereby waive all rights to contest or appeal the Consent Order and they shall not challenge, in this or any other proceeding, the validity of

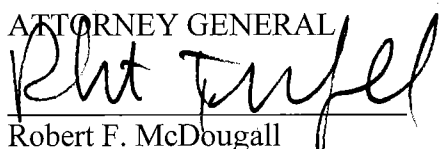
any of the terms of the Consent Order or of this Court's jurisdiction to enter the Consent Order; and

3. The Consent Order sets forth the complete agreement of the parties, and it may be altered, amended, or otherwise modified only by subsequent written agreements signed by the parties' legal representatives and approved by the Court.

DATED at Montpelier, Vermont this 30<sup>th</sup> day of September, 2014.

WILLIAM H. SORRELL  
ATTORNEY GENERAL

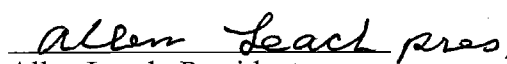
By:

  
Robert F. McDougall  
Assistant Attorney General  
Office of the Attorney General  
109 State Street  
Montpelier, Vermont 05609  
(802) 828-3186

DATED at Enosburg Falls, Vermont this 27 day of Sept., 2014.

LEACH FARMS, INC.

By:

  
Allen Leach, President  
Leach Farms, Inc.  
4785 Boston Post Road  
Enosburg Falls, VT 05450

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